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**Testimony of Audrey Felsen,  
President-Elect, Connecticut Criminal Defense Lawyers Association**

**Committee on the Judiciary – March 21, 2022**

**RE: Raised House Bill 5470 – AN ACT CONCERNING A CRIME VICTIM’S PARTICIPATORY RIGHTS  
IN A VIOLATION OF PROBATION OR CONDITIONAL DISCHARGE HEARING.**

The Connecticut Criminal Defense Lawyers Association (“CCDLA”), a statewide organization of over 350 criminal defense attorneys, **opposes** the portion of Raised House Bill 5470 (lines 71-74) that requires the court to hear and consider a victim’s statement (from the victim of the offense for which the defendant is serving a term of probation) **prior to** making a determination whether a prosecutor has established by a preponderance of the evidence that a defendant violated conditions of probation or conditional discharge.

Lines 60-64 **require** a court to allow the victim of the offense for which the defendant is on probation to appear at the VOP hearing and make a statement—or submit a written statement – “concerning the defendant’s alleged violation of probation or conditional discharge.” At a violation of probation hearing, a defendant has the right to cross-examine witnesses testifying against them; the raised bill purports to make an exception for these statements. Moreover, the raised bill would not require the court to evaluate whether the statement is even relevant to its determination (i.e., has any tendency to prove) whether the defendant has actually violated any conditions of probation.

CCDLA opposes a requirement that trial courts hear and consider irrelevant evidence that cannot be tested by cross-examination prior to its determination whether the prosecution has met its burden to establish a violation of probation or conditional discharge. Such a requirement raises serious due process concerns.

CCDLA has no objection to the portion of Raised House Bill 5470 that requires notification of the victim of the offense for which the defendant is on probation or conditional discharge about the violation allegation and proceedings.